

### **REMARKS**

Claims 1-70 are pending, with claims 1, 30, 62, 63, 64, and 69 being independent. Claims 1, 30, 62-64, and 66-69 have been amended and claim 70 has been added by this response. In view of the foregoing amendments and the following remarks, reconsideration and allowance of this application are respectfully requested.

An objection was made to the drawings. In response, formal drawings have been submitted accompanying this response. Therefore, it is respectfully requested that the objection be withdrawn.

### **35 U.S.C. § 112 Rejection**

Claim 68 was rejected under 35 U.S.C. § 112, first paragraph as allegedly being non-enabling. This rejection has been rendered moot by the amendment to claim 68. The claim has been amended to substitute "TV receiver" for "TV tuner." At least one instance of support for the amendment is found in the application at pages 15-16, which describes one possible "mechanism for communicating context-related or other information to the set top device involves the use of vertical blanking intervals (VBIs) in TV frames." See Application at p. 15, ll. 10-12. During the VBIs, "information may be transmitted to the set top device's TV receiver." See Application at p. 15, ll. 30-31. Thus, "context-related information . . . can be communicated directly from the TV broadcaster to a set top device within the VBIs of a TV signal," when the set top device is not actively logged into the host computer. See Application at p. 16, ll. 4-8. Claim 68 depends from claim 67, and claim 67 depends from claim 66. Claims 66 and 67 have been amended to conform with the terminology of claim 68, and have not been amended for a reason related to patentability. Therefore, it is respectfully requested that the rejection be withdrawn.

### **Claim Objection**

An objection was made to claim 68 due to an informality. This objection has been rendered moot by the amendment to claim 68, deleting the second occurrence of "if" in line 4 of

the claim. It is respectfully requested that the objection be withdrawn. This amendment corrects a typographical error and is not related to patentability.

**35 U.S.C. § 102(e) Legall et al. Rejection**

Claims 1-3, 6-10, 12-23, 26-30, 34-38, 41-43, 45-56, 59-61, and 64-67 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Legall (U.S. Patent No. 6,005,565). This rejection is obviated by the present amendment to claims 1, 30, and 64.

Independent claim 1 is directed to a method of presenting content in a web-based TV environment that recites, among other things, "determining a geographic location of a viewer of a web-based TV system" and use of that geographic location in customizing a content page. Applicants respectfully submit that Legall is silent with regard to at least this element of Applicants' claim 1.

Legall describes a search tool that enables a user to search an electronic program guide and other information resources with one search. The user creates a filter indicating the topic or terms to be used to perform the search, including broadcast category, start time, and end time. See Legall at col. 3, l. 57 to col. 4, l. 15. Once the filter is created, the search is activated and results of the search on the electronic program guide are displayed. See Legall at col. 4, ll. 16-65.

However, Legall does not describe or suggest determining a geographic location of a viewer of a web-based TV system, or use of the determined geographic location to customize a content page, directly or indirectly. In contrast to Applicants' recited claim 1, Legall provides a search based on an EPG that is predetermined for a particular user. Legall describes merely receiving user-created or user-entered criteria and/or data and performing a search using that criteria without disclosing the determination or use of a geographic location of a viewer to customize a content page.

Claims 2-3, 6-10, 12-23, and 26-29 depend from claim 1 and are believed to be allowable for at least the reasons given for claim 1.

Independent claim 30 is directed to a method of presenting electronic content in a computer-network based environment and, similarly to claim 1, recites, among other things, "determining a geographic location of a user of a computer network" and use of that geographic

location in customizing a content page. As discussed above with respect to claim 1, Legall does not teach or suggest at least this feature of claim 30.

Claims 34-38, 41-43, 45-56, and 59-61 depend from claim 30 and are believed to be allowable for at least the reasons given for claim 30.

Independent claim 64 is directed to a web-based TV system and, similarly to claim 1, recites software instructions to "determine a geographic location of a viewer" and use of that geographic location in customizing a content page. As discussed above with respect to claim 1, Legall does not teach or suggest at least this feature of claim 64.

Claims 65-67 depend from claim 64 and are believed to be allowable for at least the reasons given for claim 64.

As Legall does not describe each and every element of Applicants' claims 1-3, 6-10, 12-23, 26-30, 34-38, 41-43, 45-56, 59-61, and 64-67, it cannot serve as a basis for rejection under Section 102. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-3, 6-10, 12-23, 26-30, 34-38, 41-43, 45-56, 59-61, and 64-67.

### **35 U.S.C. § 103(a) Legall/Ballard Rejection**

Claims 4-5, 24-25, 31-33, 39-40 and 57-58 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Legall in view of Ballard (U.S. Patent No. 6,182,050). This rejection is obviated by the present amendment to base independent claims 1 and 30.

Claims 4-5 and 24-25 depend from claim 1 and are allowable for at least the reasons given for claim 1, and claims 31-33, 39-40 and 57-58 depend from claim 30 and are allowable for at least the reasons given for claim 30. In particular, Ballard does not remedy any of the deficiencies of Legall with respect to claims 1 and 30 because Ballard does not describe or suggest determining a geographic location of a viewer of a web-based TV system. Ballard describes merely receiving user-created or user-entered criteria and/or data and performing a matching of advertisements with the user using that criteria, but Ballard fails to disclose determining or using a geographic location of a viewer to customize a content page.

It is respectfully submitted that Legall and Ballard, either alone or in combination, do not establish a *prima facie* case of obviousness with regard to claims 4-5, 24-25, 31-33, 39-40 and 57-58. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

**35 U.S.C. § 103(a) Ballard/Legall Rejection**

Claims 62-63 and 69 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ballard in view of Legall. This rejection is obviated by the present amendment to claims 62, 63, and 69.

Claims 62, 63, and 69 each are independent claims. As amended, independent claim 62 recites, similarly to claim 1, "determining a geographic location of the user." Independent claim 63 recites, similarly to claim 1, "determining a geographic location of the viewer." Independent claim 69 recites, similarly to claim 1, software instructions to "determine a geographic location of the user." Each of claims 62, 63, and 69 uses the determined geographic location in customizing a content page.

Applicants request withdrawal of the rejection of claim 62, 63, and 69 because, as discussed with respect to claim 1, neither Ballard, Legall, nor any combination of the two describes or suggests determining a geographic location, as recited in claims 62, 63, and 69.

It is respectfully submitted that Ballard and Legall, either alone or in combination, do not establish a *prima facie* case of obviousness with regard to claims 62, 63, and 69. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

**35 U.S.C. § 103(a) Legall/Barros Rejection**

Claims 11 and 44 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Legall in view of Barros (U.S. Patent No. 6,307,573). This rejection is obviated by the present amendment to claims 1 and 30.

Claim 11 depends from claim 1 and is allowable for at least the reasons given for claim 1. Claim 44 depends from claim 30 and is allowable for at least the reasons given for claim 30.

In particular, Barros does not remedy any of the deficiencies of Legall with respect to claims 1 and 30 because Barros does not describe or suggest determining a geographic location of a viewer of a web-based TV system. It is noteworthy that Barros was cited as allegedly specifying a thematic element associated with a context, not as disclosing features related to determining or using geographic location.

It is respectfully submitted that Legall and Barros, either alone or in combination, do not establish a *prima facie* case of obviousness with regard to claims 11 and 44. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

**35 U.S.C. § 103(a) Legall Rejection**

Claim 68 was rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Legall. This rejection is obviated by the present amendment to claim 64.

Claim 68 depends from claim 64 and is allowable for at least the reasons given for claim 64.

It is respectfully submitted that Legall does not establish a *prima facie* case of obviousness with regard to claim 68. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

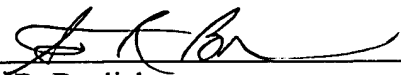
Attached is a marked-up version of the changes being made by the current amendment.

Applicants respectfully request that all claims be allowed. Enclosed is a \$128.00 check for excess claim fees (\$18.00) and for the Petition for a One Month Extension of Time fee (\$110.00). Please apply any other charges or credits to Deposit Account No. 06-1050.

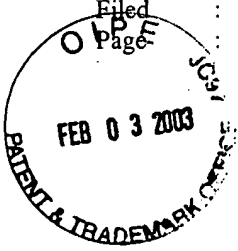
Respectfully submitted,

Date: \_\_\_\_\_

February 3, 2003

  
\_\_\_\_\_  
Scott R. Boalick  
Reg. No. 42,337

Fish & Richardson P.C.  
1425 K Street, N.W.  
11th Floor  
Washington, DC 20005-3500  
Telephone: (202) 783-5070  
Facsimile: (202) 783-2331



Version with markings to show changes made

In the claims:

Claims 1, 30, 62-64, and 66-69 have been amended as follows:

1. A method of presenting content in a web-based television (TV) environment, the method comprising:

determining a geographic location of a viewer of a web-based TV system;

determining a local context for [a] the viewer [of a web-based TV system] based on the determined geographic location;

customizing a content page based on the determined local context; and

presenting the customized content page to the viewer.

30. A method of presenting electronic content in a computer-network based environment including a host computer and a local computer, the method comprising:

determining a geographic location of a user of a computer network;

determining a local context for [a] the user [of the computer network] based on the determined geographic location;

selectively retrieving from the host computer or from the local computer context-related information associated with the determined local context; and

customizing the content page based on the retrieved context-related information.

62. A method of presenting electronic content in a web-based television (TV) system including a host computer and a local computer, the method comprising:

detecting that a user of [the] a web-based TV system has requested access to a content page;

determining a geographic location of the user;

determining a local context for the user based on the determined geographic location;

determining whether the user is logged in to the host computer;  
retrieving context-specific information associated with the determined local context, the information being retrieved (i) from the host computer if the user is determined to be logged in to the host computer, or (ii) from the local computer if the user is not logged in to the host computer; and

customizing the content page based on the retrieved context-specific information.

63. A method of presenting electronic content in a web-based television (TV) system including a host computer and a local computer, the method comprising:

detecting that a viewer of **[the]** a web-based TV system has requested access to a content page;

determining a geographic location of the viewer;

determining a local time of day for the viewer based on the determined geographic location;

determining whether the viewer is logged in to the host computer;

retrieving day-part information associated with the determined local time of day, the day-part information being retrieved (i) from the host computer if the viewer is determined to be logged in to the host computer, or (ii) from the local computer if the viewer is not logged in to the host computer; and

customizing the content page based on the retrieved day-part information.

64. A web-based TV system comprising:

a set top device at a local site being operatively coupled and capable of logging in to a host computer at a remote site, the set top device comprising software instructions to perform the following operations:

determine a geographic location of a viewer;

determine a local context for a viewer of the web-based TV system based on the determined geographic location;

customize a content page based on the determined local context; and  
present the customized content page to the viewer.

66. The system of claim 64 wherein the set top device further comprises:  
a network adapter for communicating with the host computer; and  
a TV **[tuner]** receiver for receiving TV signals.

67. The system of claim 66 wherein the set top device further comprises instructions to selectively receive context information through the network adapter or through the TV **[tuner]** receiver.

68. The system of claim 67 wherein the instructions to selectively receive context information comprise instructions to receive information (i) through the network adapter if the set top device is actively logged in to the host computer; and (ii) through the TV **[tuner]** receiver if **[if]** the set top device is not actively logged in to the host computer.

69. Computer software, tangibly embodied in a computer-readable medium and/or in a propagated carrier signal, for presenting electronic content in a web-based television (TV) system including a host computer and a local computer, the software comprising instructions to perform the following operations:

detect that a user of **[the]** a web-based TV system has requested access to a content page;

determine a geographic location of the user;

determine a local context for the user based on the determined geographic location;

determine whether the user is logged in to the host computer;

retrieve context-specific information associated with the determined local context, the information being retrieved (i) from the host computer if the user is determined to be logged in to the host computer, or (ii) from the local computer if the user is not logged in to the host computer; and

customize the content page based on the retrieved context-specific information.